

REMARKS/ARGUMENTS

**A. Rejection of Claims 8 and 10 Under 35 U.S.C. § 112, ¶1**

Claims 8 and 10 were rejected under 35 U.S.C. § 112, ¶1. Applicant respectfully traverses the rejection. Both claims 8 and 10 are original claims of the patent application and as such constitute sufficient written description. Thus claims 8 and 10 are patentable under 35 U.S.C. § 112, ¶1. See In re Wertheim, 191 USPQ 90, 97 (CCPA 1976).

**B. Rejection of Claims Under 35 U.S.C. § 112, ¶2**

Claims 1-11 and 26-28 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant respectfully traverses the rejection. Claim 1 particularly points out and distinctly claims the subject matter, as the recited controller is adapted to indicate a position of a first end and an opposite end of a user-input device and cause one or more pixels to activate based on the indicated position of at least the first end.

This claim recitation is clear, as it clearly recites that the controller indicates two positions, and uses at least one to activate one or more pixels of a display. Thus claim 1 and claims 2-11 depending therefrom are patentable under § 112, second paragraph.

As to claims 26-28, the Office Action appears to state that the term "sensor" in claim 26 is "repugnant to the usual meaning of that term." Office Action, p. 4. Applicant respectfully disagrees, as the Specification states that sensors "may be transmitters, receivers or transceivers, in one embodiment." Specification, p. 7.

Such a definition is consistent with the usual meaning of the term sensor. As defined in *Merriam-Webster's Collegiate Dictionary, Tenth Edition* (1993), a sensor is "a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism, or a particular motion) and transmits a resulting impulse (as for measurement or operating a control)." Exhibit A, p. 1066. Thus the rejection of claims 26-28 are overcome.

**C. Rejection of Claims Under 35 U.S.C. § 103**

Claim 26 stands rejected under 35 U.S.C. §103 over U.S. Patent No. 6,028,595 (Shiga) in view of U.S. Patent No. 4,777,329 (Mallicoat). Applicant respectfully traverses the rejection. With respect to Shiga, there is no teaching or suggestion therein for a controller in a user-input device to receive signals from sensors on a display device, or to transmit position information, nor to cause one or more pixels of a display device to activate based on information transmitted from the user-input device.

Nor does Mallicoat teach or suggest causing one or more pixels of a display device to activate based on transmitted information, nor a controller that transmits information to a processor-based system regarding position of the user-input device. Instead, only an electromagnetic wave signal is sent back to a base unit from the user-input device. Thus there is no controller in the user-input device of Mallicoat to transmit information regarding a position of the device.

Further, there is no motivation to combine Shiga with Mallicoat. Shiga is directed to correcting position errors between a touch screen display and a pointing pen, in which the pointing pen sends photo signals to the touch screen display. In contrast, Mallicoat relates to a graphic input system in

which signals are transmitted from a base unit to a mobile element, and subsequent transmission of an electromagnetic signal from the mobile element back to the base unit, which is then used to determine position of the mobile element--not in the user-input device. There is no teaching or suggestion in either reference to combine the references to obtain claim 26. This is especially so, as neither reference discloses a controller in the user-input device, and certainly not such a controller to perform the claimed functions.

Claims 12-18, 24, 25, 27 and 28 stand rejected under §103 over Shiga and Mallicoat and further in view of U.S. Patent No. 6,184,873 (Ward). Applicant respectfully traverses the rejection. With respect to claims 12 and 17, the Office Action concedes that Shiga does not determine, in a user-input device, a position of the user-input device. For the same reasons discussed above, neither does Mallicoat. For at least this reason, the rejection of the above claims is overcome.

Furthermore, Ward does not teach or suggest determining a distance of first and second ends of a user-input device relative to a display in the user-input device itself. In this regard, as noted by the Office Action, the multiple sensors of Ward are output elements. Office Action, p. 5. Nowhere does Ward teach or suggest that such output signals are detected in the pen, and processed therein for a determination of the distance between the first and second ends of the pen relative to a display device. For this further reason, claims 12-18, 24, 25, 27 and 28 are patentable over the proposed combination.

Claims 31 and 33-37 stand rejected under § 103(a) over U.S. Patent No. 5,646,650 (Miller) in view of U.S. Patent No. 5,767,843 (Wagner). With respect to claim 31 neither Wagner nor Miller teaches or suggests a control unit to cause air to be generated in response to an activation of an activatable

element. In this regard, the portion of Wagner cited by the Office Action (see Office Action, page 6) nowhere teaches or suggests that such a control unit is present. Rather, an input lever of the device of Wagner simulates an airbrush. See, e.g., Wagner, col. 4, lns. 15-18. Thus claims 31 and 33-37 are patentable over the proposed combination.

Dependent claim 35 is further patentable as neither Miller nor Wagner teaches or suggests a processor to cause a light to be emitted from a digital airbrush. Dependent claim 36 is further patentable as, conceded by the Office Action, neither Miller nor Wagner teach or suggest a processor to generate one or more sounds in response to selection of an activatable element.

Claims 1-11 stand rejected under § 103(a) over Wagner in view of Ward and Shiga. Applicant respectfully traverses the rejection. With respect to claim 1, neither Wagner nor Ward nor Shiga teach or suggest a controller within a user-input device to indicate a position of a first and an opposite end of the user-input device. Thus for at least this reason claim 1 and claims 2-11 depending therefrom are patentable over the proposed combination.

Claims 19 and 20 stand rejected under § 103(a) over Shiga, Mallicoat, and Ward and further in view of U.S. Patent No. 6,104,387 (Chery). As discussed above, claim 17 is patentable over Shiga, Mallicoat, and Ward. Thus, none of the cited references teach or suggest an article containing instructions to determine the position of first and second ends of a user-input device in the user-input device. For at least this reason, claims 19 and 20 are patentable over the proposed combination.

Claims 21-23 stand rejected under § 103(a) over Shiga, Mallicoat, and Ward and further in view of Wagner. For the same

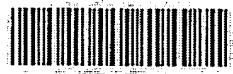
reasons discussed above with regard to claim 17, the combination of Shiga, Mallicoat, and Ward does not teach or suggest claim 17 from which claims 21-23 depend. Claims 21-23 are further patentable, as the addition of Wagner does not teach or suggest instructions to determine a position of first and second ends of a user-input device in the user-input device. For at least these reasons claims 21-23 are patentable over the proposed combination.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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EXHIBIT A

# Merriam- Webster's Collegiate® Dictionary

TENTH EDITION

Merriam-Webster, Incorporated  
Springfield, Massachusetts, U.S.A.

